

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MARK JONATHAN GOSSETT,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. 3:24-cv-05131-RAJ-GJL

ORDER

On August 21, 2024, the Court adopted Magistrate Judge Leupold's Report & Recommendation, dismissed Mr. Gossett's § 2254 habeas petition as time barred, and denied a Certificate of Appealability. Dkt. # 37. Petitioner Gossett filed various motions for relief for judgment. Dkts. # 39-43. The Court denied these motions on October 1, 2024. Dkt. # 44. The pro se petitioner Mark Jonathan Gossett's has filed two more motions for relief from judgment. Dkts. # 45, 46.<sup>1</sup>

<sup>1</sup> The Court exercises its discretion to decide the motion before the October 24, 2024 noting date of the most recent motion. *See* Fed. R. Civ. P. 1 (directing district courts to administer the rules of procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding").

1 In the first motion, Mr. Gossett argues that the Court “violated the Magistrate’s Act  
2 and Habeas Rule 8(b) by failing to conduct de novo review of Motion Requesting Judicial  
3 Notice in Support of 28 U.S.C. § 2254.” Dkt. # 45. In the second motion, Mr. Gossett  
4 asks the Court to “re-open habeas proceedings based on the failure to apply United States  
5 Supreme Court precedent in determination of the Fourteenth Amendment – Due process  
6 claim in his 28 U.S.C section 2254 petition.” Dkt. # 46 at 2. Additionally, petitioner  
7 requests a Certificate of Appealability. *See id.*

8 Mr. Gossett does not address the authority under which his motions are made,  
9 Federal Rule of Civil Procedure 60(b)(4) (“the judgment is void”), and he does not address  
10 the standard for a motion for reconsideration. Petitioner provides no factual or legal  
11 support to warrant re-opening the proceedings on the requested bases.

12 The Court’s judgment is not void, and Mr. Gossett is not entitled to a Certificate of  
13 Appealability, because his habeas petition is plainly time barred. Accordingly, the Court  
14 **DENIES** Petitioner’s Motions for Relief from Judgment. Dkts. # 45, 46. The Court will  
15 not accept any further filings in this closed case.

16 **DATED** this 10th day of October, 2024.

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19 The Honorable Richard A. Jones  
20 United States District Judge  
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